

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

Troy Kline,

Petitioner,

v.

Case No. 3:14-cv-250
Judge Thomas M. Rose
Magistrate Judge Michael M. Merz

Jason Bunting, Warden, Marion Correctional
Institution,

Respondent.

**DECISION AND ENTRY ADOPTING REPORT AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
MERZ (DOC. 7), AND OVERRULING PETITIONER'S OBJECTIONS TO
REPORT AND RECOMMENDATIONS (DOC. 8), AND MOTION TO
RE-OPEN CASE (DOC. 6).**

Pending before the Court are Petitioner's Motion to Re-Open Case, (Doc. 6) Report and Recommendations (Doc. 7), and Objection to Magistrate's Report and Recommendations. (Doc. 8). Magistrate Judge Michael R. Merz's Report and Recommendations (Doc. 7), recommends denying Petitioner's Motion to Re-open Case, (Doc. 6), and denying permission to proceed *in forma pauperis*.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Petitioner's objection, (Doc. 8), to the Magistrate Judge's Report and Recommendations, (Doc. 7), is not well taken and is hereby **OVERRULED**. The Magistrate Judge's Report and Recommendations, (Doc. 7), is **ADOPTED**. Wherefore, the Court **OVERRULES** the Motion.

(Doc. 6). Because reasonable jurists would not disagree with this conclusion, Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore Petitioner should not be permitted to proceed *in forma pauperis*. The instant case remains closed.

DONE and **ORDERED** this Tuesday, September 26, 2017.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE